YW

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/704,796 | 11/03/2000 | Matthew W. Kay | 3011-03 | 4605 |

20457 7590 04/07/2005

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

| EXAMINER | |
|---|---|
| CHOW, CHARLES CHIANG | |
| **ART UNIT** | **PAPER NUMBER** |
| 2685 | |

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/704,796 | KAY ET AL. | |
| | Examiner | Art Unit | |
| | Charles Chow | 2685 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *01 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## Detailed Action

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-33, 35-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (US 5,589,892) in view of Garfinkle (US 5,530,754).

Regarding **claim 1**, Knee et al. (Knee) teaches a broadcast system (Fig. 1, col. 9, line 50 to col. 10, line 21) for distributing product data comprising a broadcast station (local distributor station 604, Fig. 58), configured to broadcast information including video programming (the interactive home video shopping guide electronic program EPGs on TV, col. 6, lines 29-39; program guide schedule and program data information in abstract, Fig. 6/6A), a plurality of program identifiers, each program identifier being uniquely associated with a segment of the video programming [the program identifiers, icons such as TV guide 61A, "Now showing" 62A (Fig. 6), icon identifier for Parental 70 (Fig. 7), 22-Lif, 1-Hot, 34 AMC, 8-SHO show-time (Fig.19, col. 19, lines 8-35), the icons are uniquely associated with a segment of each video programming]. Knee teaches a plurality of user stations each configured to receive the broadcast information (the plurality of user station set top 605, Fig.1, Fig.58, with tuner 28, TV 27 and micro-controller 16, for receiving plurality of program schedule, abstract), the user station to transmit a first product related request corresponding to the program segment to which the first product request relates [the user placing order of product using remote

control device 31/40 to transmit ordering information to central location via data processor (Fig. 3-4, col. 6, lines 29-39), the ordering of pay-per-view information is transmitted via phone line, cable line, two-way communication or other such interactive capability (col. 20, lines 61-64)]. Knee teaches the wherein the broadcast central station is further configured to receive the first product request, and in response to transmit to user station from which the first product related request was received [the receiving of order request from user's ordering of pay-per-view, movies, associated with the unique first product icon identifier (abstract, icons, Fig. 6-7)], the first product data identified based on the identifier [the identifying programs or services via cable operator (col. 20, line 67 to col. 21, line 4); the program identifiers field in database for each program (col. 23, lines 19-28); the stored identifying information for each program (col. 48, lines 3-8)]. Knee fails to teach the transmit one unique identifier, in a first product related request, the unique identifier corresponding to the programming segment to which the first product request relates. However, Garfinkle teaches the central station provides the video-on-demand service with video products preview at user site 18 (abstract, Fig. 1-5), to allow user to select an identified video from the displayed catalog data menu 50 using mouse (Fig. 2, address in field 30, the lead-in for addressing proper video in field 42, 44, 46, col. 3, line 20 to col. 4, line 2), to cause microprocessor 20 to transmit appropriate identification data of the desired product to the central station for purchasing of the video products A, B (Fig. 3) via wired or cellular link (col. 4, lines 2-12; col. 3, line 19 to col. 4, line 45), the down loading of video products from central station (col. 3, lines 32-35), the utilizing of lead-in to identify initial segment of video product for downloading selected video to user site, with matched frames (col. 4, lines 13-34). Garfinkle

teaches the conveniently displayed video product catalog menu, with transmitted desired video identification data for remote video purchasing (above), to access large amount of video products with low cost (col. 1, lines 42-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Knee with Garfinkel's transmitted desired video identification data for remote video purchasing, such that the user could conveniently purchase the desired video with low cost.

Regarding **claim 2**, Knee teaches the first product request relates to the programming segment being received at the time the request is transmitted [the interactive timely transmitted first product, is request at user station via the electronic program guides EPG, for ordering of the icon displayed programming segment, interactively (col. 3, lines 31-37; col. 4, lines 55-59; col. 5, lines 1-4, col. 8, lines 27-42).

Regarding **claim 3**, Knee teaches the first product related request is transmitted in response to a user input to an input device (user input from remote controller 30, 40, Fig. 3-4), the input device (remote controller 30, 40) is configured to communicate with user station (col. 12, lines 14-25, Fig. 1).

Regarding **claim 4**, Knee teaches the broadcast station is further configured to further transmit the received first product request comprising a system server configured to receive the first product request (the transmitting of the pay-per-view and purchasing program to central station above), to retrieve the first product data from a database using the one unique identifier and to transmit the first product data to the broadcast station [the retrieve the program data from database based on the stored identifier col. 23, lines 19-36; the identifying programs or services via cable operator (col. 20, line 67 to col. 21, line 4); the program

identifiers field in database for each program (col. 23, lines 19-28); the stored identifying information for each program (col. 48, lines 3-8)].

Regarding **claim 5**, Knee teaches the first product list identifying more products (the program identifiers field in database for each program, col. 23, lines 19-28, and the stored identifying information for each program col. 48, lines 3-8). Knee teaches the icons for identifying of the program product data for TV, news, sport, and service (above). Knee teaches the displaying of the product list as shown in Fig. 19 for movie, sports, news and children, and the listing for NBC 4 news, HBO 33 Gremlins 2: The new batch, the NIK 38 I Love Lucy (in Fig. 25-26).

Regarding **claim 6**, Knee teaches the first product data include a screen display definition and the user station is further configured to display the product list in accordance with the screen display definition [screen overlaying display definitions of product listing in accordance with the received video display control commands from data processing means (col. 48, lines 18-19), and the displayed format in Fig. 6, Fig. 18-22; the video display generator receives video control commands from the dam processor and program schedule information from the memory a portion of the program schedule information in overlaying relationship, and the data processor controls the video display generator with video control commands, issued in response to the user control commands, to display program schedule information for any chosen television program in overlaying relationship with at least one television program then appearing on any chosen one of the plurality of channels on the television receiver (col. 6, lines 15-28)].

Regarding **claim 7**, Knee teaches the first product data is of a plurality of first product data each corresponding to one the plurality of unique identifiers [the program identifiers field in database for each program (col. 23, lines 19-28); the stored identifying information for each program (col. 48, lines 3-8)], and each including one of the plurality of screen display definition (icons), a second of the plurality of first product data includes a second of the plurality of screen display definitions that is different from the first of the plurality of screen display definition [different icons for different video product from Knee, the first product display in Fig. 22 for the pay-per-view; the second screen display definition for displaying of the pay-per-view in Fig. 23 for placing ordering of movie, and another secondary screen display definition of the subsequent display for pay-per-view confirmation in (Fig. 24), for the second product screen display associated with the first product display, using different display definition].

Regarding **claim 8**, Knee teaches wherein the user station is further configured to display the first product data simultaneously with the video programming [the user station in Fig. 1 displaying first product, such as new 190C in Fig. 19, simultaneously with the video programming movies 190A, sports 190B, children 190D].

Regarding **claim 9**, Knee teaches the user station further configured to display in response to receipt of the one unique identifier, notification of availability of the first product data [the user will be prompted, notified, for entering of 4 digit key access code when the program-content-identifier is matched (col. 23, lines 20-36; col. 16, lines 39-48), and the allowing user to revise a number of program schedule parameters, then, to notify user of the options, to view the content-specific programming (Fig. 7, col. 22, lines 16-25)].

Regarding **claim 10**, Knee teaches the notification of availability is in the form of an icon displayed simultaneously with the video programming [the notifying of user the available program listing in a grid format from icon 65A, and the also the program listing from a folder-icon 65B to notify user of the available program (Fig. 6, Fig. 18/Fig. 19; col. 18, lines 14-40; col. 19, lines 8-20)].

Regarding **claim 11**, Knee teaches plurality of user stations is configured to transmit a second product request based on a second user input responsive to the received first product data; and broadcast station is to receive the second product request, to transmit second product data to user station [the user station in Fig. 1 transmits second product order request for the pay-per view in Fig. 23, and the broadcast station transmits back the confirmation of the ordering of pay-per-view in Fig. 24A, for "No, I do not want to order", and in Fig. 24A; a second product order confirmation with "Yes, I would like to order"; the displayed information in Fig. 21, in response to a user's second request for supplemental program i-supplemental information (col. 7, lines 64-65; col. 20, lines 3-36)].

Regarding **claim 12**, Knee teaches the second product data information having product attribution information, and product purchase information [Fig. 19, channel 8 SHO show-time at 5:00 PM; channel 22, LIF at 4:00PM, and in Fig. 25-26. Knee teaches the product purchase information in Fig. 24A for purchasing a PayPerView for $3.99].

Regarding **claim 13**, Knee teaches the second product data is displayed simultaneously with the video programming [the user station in Fig. 1 displaying first product, such as new 190C in Fig. 19, simultaneously with the movies 190A, sports 190B, children 190D].

Regarding **claim 14**, Knee teaches an input device configured to communicate with the second user input to the user station [the user product request is transmitted in response to a user input to an input device (remote controller 30, 40, Fig. 3-4) configured to communicate with user station (col. 12, lines 14-25, Fig. 1), for the "No, I do not want to order", and in Fig. 24A, the second product order confirmation with "Yes, I would like to order"; the displayed information in Fig. 21, in response to a user's second request for supplemental program i-supplemental information (col. 7, lines 64-65; col. 20, lines 3-36)].

Regarding **claim 15**, Knee teaches the broadcast station further configured to broadcast the plurality of unique identifier via an in-band data path [the broadcast of product information from local distributor to set-tops with the icons for the program guide and program data, via satellite dish (Fig. 58) or in-band data path via cable].

Regarding **claim 16**, Knee teaches the video programming is broadcast in an analog format having a vertical blanking interval, and the plurality of unique identifier is broadcast in the vertical blanking interval [the broadcast program information in analog format having a vertical blanking interval and code corresponding to rating, parental category, title, channel in the vertical blanking interval (as shown in col. 27, lines 6-15)].

Regarding **claim 17**, Knee teaches a method of distributing product related data over a broadcast system [Fig.1,abstract, for distributing broadcast video product data from local distributor station 604, Fig. 58, utilizing distributing program guide schedule and program data information, for user's interactive home shopping, to place order of products (col. 6, lines 29-39; col. 9, line 50 to col. 10, line 21)], broadcasting over broadcast system information including video programming (the broadcast interactive home video shopping

guide electronic program EPGs on TV, col. 6, lines 29-39; program guide schedule and program data information in abstract, Fig. 6/6A), a plurality of program identifiers, each program identifier being uniquely associated with a segment of the video programming [the program identifiers, icons such as TV guide 61A, "Now showing" 62A (Fig. 6), icon identifier for Parental 70 (Fig. 7), 22-Lif, 1-Hot, 34 AMC, 8-SHO show-time (Fig. 19, col. 19, lines 8-35), the icons are uniquely associated with a segment of each video programming]. Knee teaches receiving via the broadcast system a first product request including the one identifier corresponding to the programming segment to which the first product request relates [the user placing order of product using remote control device 31/40 to transmit ordering information to central location via data processor (Fig. 3-4, col. 6, lines 29-39), with the transmitted video program's rating code, P, G, R (col. 27, lines 6-15); the ordering of pay-per-view information is transmitted via phone line, cable line, two-way communication or other such interactive capability (col. 20, lines 61-64); the receiving of order request from user's ordering of pay-per-view, movies, associated with the unique first product icon identifier (abstract, icons, Fig. 6-7)], wherein the broadcast information is broadcast to a plurality of user stations (the broadcast schedule and home shopping guide program) the first product request is received from one of the plurality of user stations, the first product data is transmitted to one user station from which the first product request was received [the receiving of order request from user's ordering of pay-per-view, movies, associated with the unique first product icon identifier (abstract, icons, Fig. 6-7)]. Knee fails to teach the transmit via a broadcast system, first product data identified based on the one unique identifier include in the first product request. However, Garfinkle teaches the central

station provides the video-on-demand service with video products preview at user site 18 (abstract, Fig. 1-5), to allow user to select an identified video from the displayed catalog data menu 50 using mouse (Fig. 2, address in field 30, the lead-in for addressing proper video in field 42, 44, 46, col. 3, line 20 to col. 4, line 2), to cause microprocessor 20 to transmit appropriate identification data of the desired product to the central station for purchasing of the video products A, B (Fig. 3) via wired or cellular link (col. 4, lines 2-12; col. 3, line 19 to col. 4, line 45), the down loading of video products from central station (col. 3, lines 32-35), the utilizing of lead-in to identify initial segment of video product for downloading selected video to user site, with matched frames (col. 4, lines 13-34). Garfinkle teaches the conveniently displayed video product catalog menu, with transmitted desired video identification data for remote video purchasing (above), to access large amount of video products with low cost (col. 1, lines 42-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Knee with Garfinkel's transmitted desired video identification data for remote video purchasing, such that the user could conveniently purchase the desired video with low cost.

Regarding **claim 18**, Knee teaches the first product request relates to the programming segment being received at the time the request is transmitted [the interactive timely transmitted first product, is request at user station via the electronic program guides EPG, for ordering of the icon displayed programming segment, interactively (col. 3, lines 31-37; col. 4, lines 55-59; col. 5, lines 1-4, col. 8, lines 27-42)].

Regarding **claim 19**, Knee teaches the first product data transmitted to the one user station ins on a database, and further comprising retrieving the first product data from the database

using the one unique identifier (the stored identifying information for each program, col. 48, lines 3-8; the retrieve the program data from database based on the stored identifier col. 23, lines 19-36).

Regarding **claim 20**, Knee teaches the first product information includes a list identifying one or more products and further comprising displaying the product list at the user station [the screen overlaying display definitions of product listing in accordance with the received video display control commands from data processing means (col. 48, lines 18-19; Fig. 6, Fig. 18-22); the video display generator receives video control commands from the dam processor and program schedule information from the memory a portion of the program schedule information in overlaying relationship, and the data processor controls the video display generator with video control commands, issued in response to the user control commands, to display program schedule information for any chosen television program in overlaying relationship with at least one television program then appearing on any chosen one of the plurality of channels on the television receiver (col. 6, lines 15-28)].

Regarding **claim 21**, Knee teaches wherein the first product information includes a screen display definition and further comprising displaying the product list at user station in accordance with the screen display definition [the screen overlaying display definitions of product listing according to the received video display control commands from data processing means (col. 48, lines 18-19), and the displayed format in Fig. 6, Fig. 18-22; the data processor controls the video display generator with video control commands, issued in response to the user control commands, to display program schedule information for any chosen television program in overlaying relationship with at least one television program

then appearing on any chosen one of the plurality of channels on the television receiver (col. 6, lines 15-28)].

Regarding **claim 22**, Knee teaches the first product data is one of the plurality of first product data (one of the displayed first product on overlay display screen) each corresponding to one of the plurality of unique identifiers (the corresponding icon identifier), and each including one of a plurality of screen display definitions (the displaying of program schedule information for any chosen television program in overlaying definition relationship with at least one television program col. 6, lines 15-28), a second of plurality of first product data includes a second of the plurality of screen display definitions that is different from the first plurality of screen display definitions [the different second display definition in Fig. 23, and the broadcast station transmits back the confirmation of the ordering of pay-per-view, displayed in displaying definition as shown in Fig. 24A, for "No, I do not want to order", and in Fig. 24A; the second display definition supplemental program i (col. 7, lines 64-65; col. 20, lines 3-36)].

Regarding **claim 23**, Knee teaches wherein the user station is further configured to display the first product data simultaneously with the video programming [the user station in Fig. 1 displaying first product, such as new 190C in Fig. 19, simultaneously with the video programming movies 190A, sports 190B, children 190D].

Regarding **claim 24**, Knee teaches the user station further configured to display in response to receipt of the one unique identifier, notification of availability of the first product data [the user can be prompted, notified, for entering of 4 digit key access code when the program-

content-identifier is matched (col. 23, lines 20-36; col. 16, lines 39-48), and the allowing user to revise a number of program schedule parameters, then, to notify user of the options, to view the content-specific programming (Fig. 7, col. 22, lines 16-25)].

Regarding **claim 25**, Knee teaches the notification of availability is in the form of an icon displayed simultaneously with the video programming [the notifying of user the available program listing in a grid format from icon 65A, and the also the program listing from a folder-icon 65B to notify user of the available program (Fig. 6, Fig. 18/Fig. 19; col. 18, lines 14-40; col. 19, lines 8-20)].

Regarding **claim 26**, Knee teaches receiving a second product request from one user station in response to the first product data and transmitting in response, second product data to the user station [ [the user station in Fig. 1 transmits second product order request for the pay-per view in Fig. 23, and the broadcast station transmits back the confirmation of the ordering of pay-per-view in Fig. 24A, for "No, I do not want to order", and in Fig. 24A; a second product order confirmation with "Yes, I would like to order"; the displayed information in Fig. 21, in response to a user's second request for supplemental program i-supplemental information (col. 7, lines 64-65; col. 20, lines 3-36)].

Regarding **claim 27**, Knee teaches the second product data information having product attribution information, and product purchase information [Fig. 19, channel 8 SHO show-time at 5:00 PM; channel 22, LIF at 4:00PM, and in Fig. 25-26. Knee teaches the product purchase information in Fig. 24A for purchasing a PayPerView for $3.99].

Regarding **claim 28**, Knee teaches the second product data is displayed simultaneously with the video programming [the user station in Fig. 1 displaying first product, such as new 190C in Fig. 19, simultaneously with the movies 190A, sports 190B, children 190D].

Regarding **claim 29**, Knee teaches the second product request is based on a second user input to the user station [the user station in Fig. 1 transmits second product order request via remote control 30/40, for the pay-per view in Fig. 23; the confirming of the second product request in pay-per-view in Fig. 24A, for "No, I do not want to order", and in Fig. 24A, a second product order confirmation with "Yes, I would like to order", the displayed information in Fig. 21, in response to a user's request for supplemental program i (col. 7, lines 64-65; col. 20, lines 3-36)].

Regarding **claim 30**, Knee teaches the first product request is based on a first user input to the user station [the user input from remote controller 30, 40, Fig. 3-4), to place a first product request, to communicate with user station (col. 12, lines 14-25, Fig. 1)].

Regarding **claim 31**, Knee teaches the broadcast station further configured to broadcast the plurality of unique identifier via an in-band data path [the broadcast of product information from local distributor to set-tops with the icons for the program guide and program data, via satellite dish (Fig. 58) or in-band data path via cable].

Regarding **claim 32**, Knee teaches the video programming is broadcast in an analog format having a vertical blanking interval, and the plurality of unique identifier is broadcast in the vertical blanking interval [the broadcast program information in analog format having a vertical blanking interval and code corresponding to rating, parental category, title, channel in the vertical blanking interval (col. 27, lines 6-15)].

Regarding **claim 33**, Knee teaches a broadcast programming user station (set-top and user station in Fig. 1) comprising tuner to tune to any one of multiple broadcast video channels to receive broadcast information (tuner 28, Fig.1, for tune to any video channel to receive broadcast information, the channel to receive the broadcast segment of video program in all listing information (col. 14, lines 22-30), including video programming and a plurality of programming identifiers (the broadcast video programming with different icon identifiers in the interactive electronic program guides EPG system), a display screen configured to display the video programming (the displayed video program in a overlaying manner (col. 48, lines 18-19; col. 6, lines 15-28). Knee teaches the microcontroller 16 (Fig. 1) configured to generate a product request corresponding to the programming segment to which the product request relates (the generate, transmit, the order information (col. 20, lines 61-66), the tuned channel in tuner for transmitting product request (col. 14, line 1-17). Knee fails to teach the transmit the product request including one unique identifier. Garfinkle teaches the central station provides the video-on-demand service with video products preview at user site 18 (abstract, Fig. 1-5), to allow user to select an identified video from the displayed catalog data menu 50 using mouse (Fig. 2, address in field 30, the lead-in for addressing proper video in field 42, 44, 46, col. 3, line 20 to col. 4, line 2), to cause microprocessor 20 to transmit appropriate identification data of the desired product to the central station for purchasing of the video products A, B (Fig. 3) via wired or cellular link (col. 4, lines 2-12; col. 3, line 19 to col. 4, line 45), the down loading of video products from central station (col. 3, lines 32-35), the utilizing of lead-in to identify initial segment of video product for downloading selected video to user site, with matched frames (col. 4, lines 13-34). Garfinkle teaches the

conveniently displayed video product catalog menu, with transmitted desired video identification data for remote video purchasing (above), to access large amount of video products with low cost (col. 1, lines 42-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Knee with Garfinkel's transmitted desired video identification data for remote video purchasing, such that the user could conveniently purchase the desired video with low cost.

Regarding **claim 35**, Knee teaches the processor is further configured to direct, upon receipt of the one unique identifier, simultaneous display of an icon with the video programming, the icon being indicative of availability of the product information [the notifying of user the available program listing in a grid format from unique identifier icon 65A; the video program listing from a folder-icon 65B to notify user of the available program (Fig. 6, Fig. 18/Fig. 19; col. 18, lines 14-40; col. 19, lines 8-20); video display control commands from data processing means (col. 48, lines 18-19); the data processor controls the video display generator with video control commands, issued in response to the user control commands, to display program schedule information for any chosen television program in overlaying relationship for television program on any chosen channels on the television receiver (col. 6, lines 15-28)].

Regarding **claim 36**, Knee teaches the processor is further configured to generate the product request in response to a user input, and further comprising an input device configured to communicate the user input to processor [the input device remote control 31/40 in Fig. 3-4, communicate with processor (col. 12, lines 14-25) for generating product request "i"-supplement information via selecting of the icon in main menu].

Regarding **claim 37**, Knee teaches the input device is a television remote control [the television remote control 31/40 for television TV 27 in Fig. 1].

Regarding **claim 38**, Knee teaches the tuner is further configured to receive product data identified based no unique identifier, the processor is further configured to process the received product data to direct simultaneous display of the received product data with the video programming [a user station (Fig. 1) having a tuner 28, configured to receive production program information with unique icon identifier transmitted to user station upon user request as shown in claim 33. Knee teaches the microcontroller 16 (Fig. 1) transmits the order information to user station in col. 20, lines 61-66, above). Knee teaches the tuned channel in tuner for the transmitting product request (col. 14, line 1-17). Garfinkle teaches the identification data included in the product request (see claim 1). Knee teaches the product having been transmitted to the user station in response to the product request (see claim 1). Knee teaches the display screen is further configured in accordance with the direction of processor to simultaneous display of an icon with the video programming [the notifying of user the available program listing in a grid format from unique identifier icon 65A; the video program listing from a folder-icon 65B to notify user of the available program (Fig. 6, Fig. 18/Fig. 19; col. 18, lines 14-40; col. 19, lines 8-20); video display control commands from data processing means (col. 48, lines 18-19); the data processor controls the video display generator with video control commands, issued in response to the user control commands, to display program schedule information for any chosen television program in overlaying relationship for television program on any chosen channels on the television receiver (col. 6, lines 15-28)].

Regarding **claim 39**, Knee teaches the product data listing includes a listing identifying one or more products (as shown in Fig. 18-20).

Regarding **claim 40**, Knee teaches the second product data information having product attribution information, and product purchase information [Fig. 19, channel 8 SHO show-time at 5:00 PM; channel 22, LIF at 4:00PM, and in Fig. 25-26. Knee teaches the product purchase information in Fig. 24A for purchasing a PayPerView for $3.99].

Regarding **claim 41**, Knee has taught above the in-band data path through the cable in Fig. 58, and the out-band data path through satellite dish in Fig. 58.

Regarding **claim 42**, Knee teaches the processor is further configured to direct the simultaneous display of the received product data with the video programming based on a user input (see claim 38). Knee teaches an input device configured to communicate the user input to the processor [the input device remote control 31/40 in Fig. 3/Fig. 4, for cmmunicating user input to processor (col. 12, lines 14-25) for generating product request "i"-supplement information or the selecting of the icon in main menu].

Regarding **claim 43,** Knee teaches the input device is a television remote control 31/40 is for TV 27 in Fig. 1.

Regarding **claim 44**, Knee teaches the screen display definition and the processor is further configured to display the product data in accordance with the screen display definition [the screen display overlaying definitions of product listing in accordance with the received video display control commands from data processing means (col. 48, lines 18-19), and the displayed format in Fig. 6, Fig. 18-22. Knee teaches the video display generator receives video control commands from the dam processor and program schedule information from the

memory a portion of the program schedule information in overlaying relationship, and the data processor controls the video display generator with video control commands, issued in response to the user control commands, to display program schedule information for any chosen television program in overlaying relationship with at least one television program then appearing on any chosen one of the plurality of channels on the television receiver (col. 6, lines 15-28)].

Regarding **claim 45**, Knee teaches the plurality of program identifiers is received via an in-band data path [the broadcast of product information from local distributor to set-tops with the icons for the program guide and program data, via satellite dish (Fig. 58) or in-band data path via cable].

Regarding **claim 46**, Knee teaches the video programming is broadcast in an analog format having a vertical blanking interval, and the plurality of unique identifier is broadcast in the vertical blanking interval [the broadcast program information in analog format having a vertical blanking interval and code corresponding to rating, parental category, title, channel in the vertical blanking interval (as shown in col. 27, lines 6-15)].

Regarding **claim 47**, Knee teaches wherein the tuner and the processor are housed in a television set top box [the tuner 28, microprocessor 16 for the television set-top (col. 9, lines 50-58)].

2. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Garfinkle, and further in view of Voyticky et al. (US 6,438,751 B1).

Regarding **claim 34**, Knee and Garfinkle fail to teach the tuner tuned at the time the product request is transmitted, although Knee has considered the tuner 28 and channel to receiving program information (col. 14, lines 19-30). However, Voyticky et al. (Voyticky) teaches the tuner configuration table 250 (Fig. 4), and the channel setting (S421, Fig. 9), for the broadcast television product information to using according to table 909, content ID, 910 (Fig. 16A/16B; col. 13, lines 35-44), for identifying program using contend ID. Voyticky teaches the process of mapping broadcast time to program time using skew time at server to retrieve program was process, and using time stamps (col. 12, line 45 to col. 22). Voyticky teaches an improved efficient method for purchasing good and service displayed in television broadcast (col. 1, lines 6-8; col. 2, lines 19-49) by ordering via internet while watching television. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Knee, Garfinkle, with Voyticky's configuring of tuner for the skew time, time stamp for retrieving broadcast program, and the internet purchasing, such that system could efficient purchase, retrieve and view the broadcast program.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's amendment for based on the no teachings of the transmit one unique identifier, in a first product related request, the unique identifier corresponding to the programming segment to which the first product request relates, the ground of rejection has been changed to include Garfinkle (US 5,530,754). Garfinkle teaches the central station provides the video-on-demand service with video products preview at user site 18 (abstract,

Fig. 1-5), to allow user to select an identified video from the displayed catalog data menu 50 using mouse (Fig. 2, address in field 30, the lead-in for addressing proper video in field 42, 44, 46, col. 3, line 20 to col. 4, line 2), to cause microprocessor 20 to transmit appropriate identification data of the desired product to the central station for purchasing of the video products A, B (Fig. 3) via wired or cellular link (col. 4, lines 2-12; col. 3, line 19 to col. 4, line 45), the down loading of video products from central station (col. 3, lines 32-35), the utilizing of lead-in to identify initial segment of video product for downloading selected video to user site, with matched frames (col. 4, lines 13-34). Garfinkle teaches the conveniently displayed video product catalog menu, with transmitted desired video identification data for remote video purchasing.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Chow whose telephone number is (703)-306-5615. The examiner can normally be reached on 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703)-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow C.C.

March 18, 2005.